

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: : Case No. 10-61720  
  
Kimberly A. Triplett :  
: Chapter 13  
: Debtor. : Judge John E. Hoffman Jr.

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Kimberly A. Triplett  
5376 Wellston Court  
Dublin, OH 43017

Plaintiff,

Adv. Pro. No. \_\_\_\_\_

v.

OWNIT Mortgage Solutions, Inc.  
c/o HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan  
Trust, Mortgage Loan Asset Back Certificates, Series 2005-5, Its Successors and/or  
Assigns  
c/o CT Corporation System—*Registered Agent*  
4701 Cox Road, Suite 301  
Glen Allen, VA 23060

And

Real Time Resolutions, Inc. c/o Litton Loans  
c/o CT Corporation System—*Registered Agent*  
1300 E. 9<sup>th</sup> Street, Suite 1010  
Cleveland, OH 44114

Defendants.

**COMPLAINT**

1. Plaintiff states that Kimberly A. Triplett filed for relief pursuant to Chapter 13 of the United States Bankruptcy Code on September 30, 2010.

2. Plaintiff states that this is a core proceeding under 28 U.S.C. Section 157(b)(2)(I). Venue is proper under 28 U.S.C. Section 1409(a).

3. Plaintiff states that she is a joint owner of residential real estate located at 5376 Wellston Court, Dublin, Ohio 43017 more fully described as parcel number 273-004181 (hereinafter “real property”) (see attached Exhibit “A”).

4. The real property has a current fair market appraised value of \$251,200.00 as of August 27, 2010 (see attached Exhibit “B”).

5. Plaintiff states that the real property is subject to a first mortgage lien to HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan Trust, Mortgage Loan Asset Back Certificates, Series 2005-5, Its Successors and/or Assigns c/o Litton Loan Servicing, LP (hereinafter “Litton Loan Servicing, LP”) recorded in the Franklin County Recorder’s Office on August 3, 2005, Instrument Number 2005 08030156021 with an outstanding approximate balance of \$290,627.86 as of the date of the Chapter 13 bankruptcy filing. The loan was transferred via a Notice of Transfer in the Chapter 13 case to OCWEN Loan Servicing, LLC (see attached Exhibits “C” and “D”).

6. Plaintiff states that the real property has a second mortgage lien to Defendant OWNIT Mortgage Solutions, Inc., recorded in the Franklin County Recorder’s Office on August 3, 2005, Instrument Number 2005 08030156043 in the approximate amount of \$69,440.04 as of the date of the Chapter 13 bankruptcy filing (see attached Exhibit “E”). Defendant Real Time Resolutions, Inc. c/o Litton Loans (Agent) is the servicer of this account and may claim an interest in the lien.

7. Plaintiff states that the second mortgage lien of OWNIT Mortgage Solutions, Inc. and Real Time Resolutions, Inc. c/o Litton Loans is a junior lien to the superior first mortgage lien of Litton Loan Servicing, LP.

8. Plaintiff state that there exists insufficient equity in the residential real estate to deem the second mortgage of OWNIT Mortgage Solutions, Inc. and Real Time Resolutions, Inc. c/o Litton Loans as secured.

9. Plaintiff states that pursuant to the pertinent provisions of 11 U.S.C. § 506(a) and 506(d) as made applicable in this case by 11 U.S.C. § 1325(a)(5), OWNIT Mortgage Solutions, Inc. and Real Time Resolutions, Inc. c/o Litton Loans are not the holders of a secured claim as to the second mortgage as that term is defined in the United States Bankruptcy Code.

WHEREFORE, the Plaintiff Debtor demands that:

1. The mortgage lien of Defendant OWNIT Mortgage Solutions, Inc., as currently serviced by Defendant Real Time Resolutions, Inc. c/o Litton Loans, which mortgage is recorded at Instrument Number 2005 08030156043 of the Franklin County Recorder's Official Records be found to be avoided and that the Court order the mortgage to be released and forever discharged against the real property 5376 Wellston Court, Dublin, Ohio 43017 more fully described as parcel number 273-004181;

2. For such further relief that the court finds just and proper in the premises to grant.

Respectfully Submitted,  
JUMP LEGAL GROUP, LLC

/s/ Katherine B. Brewer

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